

Message Text

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ACTION EA-12

INFO OCT-02 ISO-00 CIAE-00 PM-05 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06
ACDA-12 OES-07 CAB-02 COME-00 DOTE-00 EB-08
FAA-00 /088 W

-----001119 251310Z /43

R 250840Z JAN 78
FM AMEMBASSY TOKYO
TO SECSTATE WASHDC 4637
INFO SECDEF WASHDC
CINCPAC HONOLULU HI
COMUSJAPAN YOKOTA AB JA

C O N F I D E N T I A L SECTION 1 OF 2 TOKYO 1250

CINCPAC ALSO FOR POLAD

E.O. 11652: GDS
TAGS: MARR, JA, US
SUBJECT: F-4 CRASH REPORT COMPLETED

REFS: (A) 77 TOKYO 19283; (B) 77 TOKYO 17083; (C) 77 TOKYO
16078; (D) TOKYO 77 15988; (E) 77 TOKYO 15781;
(F) 77 TOKYO 14902.

1. SUMMARY: UNUSUAL OCCURRENCE SUBCOMMITTEE REPORT OF
LAST SEPTEMBER'S USMC RF-4B CRASH IN YOKOHAMA WAS APPROVED
BY JOINT COMMITTEE JANUARY 24 AND ITS SUBSTANCE RELEASED
PUBLICLY. COMPLETION OF REPORT, WHICH CITES ASSEMBLY
ERROR AT US MAINTENANCE FACILITY AS CAUSE OF CRASH, WAS
DELAYED DUE TO DISAGREEMENT OVER EXTENT OF DATA TO BE
PROVIDED TO SUBCOMMITTEE BY US SIDE AND CONCERN OF
JAPANESE POLICE THAT REPORT NOT FORECLOSE SUBSEQUENT
CRIMINAL INVESTIGATION. AS CURRENT DIET SESSION
APPROACHED, COMPROMISE WAS REACHED. POLICE WILL PROBABLY
CONTINUE THEIR INVESTIGATION, ESPECIALLY AS CRIMINAL
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COMPLAINT CHARGING US PERSONNEL WITH INVOLUNTARY MAN-
SLAUGHTER HAS BEEN FILED BY CRASH VICTIMS. WHILE INDIVIDUALS
CONCERNED WILL NOT BE LIABLE TO CRIMINAL CHARGES INASMUCH
AS THEY WERE ON OFFICIAL DUTY, CASE COULD GENERATE MORE
UNFAVORABLE PUBLICITY. INCIDENT HAS ALSO SPAWNED GOJ
REQUESTS THAT WE RENEGOTIATE WHAT IT VIEWS AS OUTMODED
PROCEDURES OF BILATERAL JOINT COMMITTEE SYSTEM. END

SUMMARY.

2. ON JANUARY 23 JAPANESE AND US UNUSUAL OCCURRENCE SUBCOMMITTEE COCHAIRMAN APPROVED SUBCOMMITTEE'S REPORT ON CRASH OF MARINE RF-4B IN YOKOHAMA LAST SEPTEMBER 27. ALTHOUGH SUBCOMMITTEE IS PRECLUDED BY ITS TERMS OF REFERENCE FROM SERVING AS INVESTIGATIVE OR FACT-FINDING BODY, ITS EXAMINATION OF EVIDENCE CONCLUDED THAT FLIGHT AND GROUND CREWS HAD ACTED IN ACCORDANCE WITH RELEVANT ORDERS AND PROCEDURES AND HAD NOT BEEN NEGLIGENT. DETERMINATION OF CAUSE OF CRASH, ESSENTIALLY BASED ON NAVY ENGINEERING INVESTIGATION IN US, WAS CITED AS IMPROPER ALIGNMENT OF SUPPORTS IN EXHAUST DUCT, WHICH OCCURRED DURING INTERMEDIATE LEVEL MAINTENANCE IN US. REPORT, WHICH DETAILS ACTIONS NAVY HAS TAKEN TO PREVENT RECURRENCE OF SIMILAR ACCIDENTS, WAS MADE PUBLIC FOLLOWING JANUARY 24 SIGNATURE BY JOINT COMMITTEE CO-CHAIRMAN.

3. SUBSTANTIAL DELAY IN APPROVAL OF SUBCOMMITTEE REPORT FOLLOWING RETURN OF ENGINES TO JAPAN (REF B) WAS LARGELY RESULT OF INVOLVEMENT OF JAPANESE TECHNICAL EXPERTS AND NATIONAL POLICE AS MEMBERS OF SUBCOMMITTEE. TECHNICAL EXPERTS WANTED TO EXAMINE ENGINES AND, TO EXTENT POSSIBLE, VERIFY US FINDINGS, WHILE NATIONAL POLICE WANTED TO MAKE SURE SUBCOMMITTEE'S FINDINGS DID NOT PREEMPT ITS OWN INVESTIGATION. HAVING INITIALLY REGARDED SUBCOMMITTEE CONFIDENTIAL

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REPORT AS DEFINITIVE INVESTIGATION OF CRASH, POLICE HAD SUBMITTED TWO-PAGE LIST OF INFORMATION AND MATERIAL THEY WISHED US FORCES TO PROVIDE AS PRECONDITION FOR APPROVING SUBCOMMITTEE REPORT. POLICE OBJECTIVE WAS TO "CLARIFY PENAL RESPONSIBILITY OF PERSONS CONCERNED" WITH CRASH IN ACCORD WITH JAPANESE LAW, BUT WHAT MIGHT HAVE TURNED INTO OPEN-ENDED POLICE INQUIRY WAS UNACCEPTABLE TO US FORCES.

4. ULTIMATELY MAIN ISSUES BECAME ABOVE-MENTIONED DESIRE OF POLICE THAT THEIR INVESTIGATIVE RIGHTS NOT BE PREJUDICED AND JAPANESE SIDE'S RELUCTANCE TO ABSOLVE GROUND MAINTENANCE CREW AT ATSUGI OF RESPONSIBILITY SOLELY ON BASIS OF US SIDE'S STATEMENT THAT MEMBERS HAD PERFORMED THEIR WORK PROPERLY. (FLIGHT CREW RESPONSIBILITY WAS NOT SERIOUS ISSUE AS US SIDE HAD PREVIOUSLY SUPPLIED THEIR STATEMENTS AND RELEVANT NAVY MANUALS.) WITH OPENING OF CURRENT DIET SESSION APPROACHING, DFAA DIRGEN WATARI PROPOSED SETTLEMENT BASED ON RADICALLY SCALED-DOWN LIST OF DATA REQUIREMENTS, WHEREBY US SIDE PROVIDED:

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R 250840Z JAN 78
FM AMEMBASSY TOKYO
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C O N F I D E N T I A L SECTION 2 OF 2 TOKYO 1250

CINCPAC ALSO FOR POLAD

- (1) STATEMENTS BY GROUND CREW MEMBERS;
- (2) RELEVANT PORTIONS OF F-4 AIRCRAFT MAINTENANCE
MANUAL; AND
- (3) DETAILED EXPLANATION OF POST-CRASH INVESTIGATION
OF ENGINES.

FURTHER, TO SATISFY POLICE CONCERNS, SPECIFIC DISCLAIMER
OF INVESTIGATIVE ROLE AND RESPONSIBILITY BY SUBCOMMITTEE
WAS ADDED AS ATTACHMENT TO REPORT. POLICE MAY PURSUE
INVESTIGATION OR SIMPLY LEAVE CASE OPEN, BUT, ACCORDING
TO MFA MEMBER OF SUBCOMMITTEE (SECURITY DIVISION DEPDIR
TANAKA), THEY ACCEPT FINDINGS OF SUBCOMMITTEE THAT FAULT,
IF ANY, LIES WITH US MAINTENANCE FACILITY RATHER THAN
US PERSONNEL IN JAPAN.

5. ON JANUARY 20 JAPANESE COUPLE, ONE OF WHOM WAS
INJURED AS RESULT OF CRASH, FILED COMPLAINT WITH YOKOHAMA
DISTRICT COURT AGAINST PILOTS AND GROUND CREW ACCUSING
THEM OF INVOLUNTARY MANSLAUGHTER AND NEGLIGENCE. THIS
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IS FIRST TIME THAT JAPANESE VICTIMS OF US MILITARY AIR
CRASH HAVE TAKEN LEGAL STEPS TO FIND US MILITARY PERSONNEL

CRIMINALLY RESPONSIBLE. (ON SEPARATE ISSUE OF CLAIMS FOR INJURIES AND DAMAGES, PROCEDURES EXIST UNDER SOFA FOR GOJ DETERMINATION OF AWARD AND PAYMENT BY BOTH GOVERNMENTS ON PREDETERMINED SHARE BASIS.) IF CASE REACHES STAGE OF FORMAL NOTIFICATION BY PROSECUTOR OF DESIRE TO INDICT CONCERNED US PERSONNEL, US FORCES WOULD ISSUE OFFICIAL DUTY CERTIFICATES, WHICH WOULD RELIEVE THOSE INDIVIDUALS OF RESPONSIBILITY.

6. ONE FALLOUT FROM INCIDENT HAS BEEN HEIGHTENED JAPANESE AWARENESS OF WHAT THEY VIEW AS "OCCUPATION ERA" RELATIONSHIP BETWEEN TWO NATIONS, WHICH PERSISTS IN FORM OF SOFA INTERPRETATIONS AND AGREED VIEWS OF JOINT COMMITTEE, WORDINGS OF WHICH HAVE SURVIVED UNCHANGED FROM AGREEMENTS UP TO TWENTY-FIVE YEARS OLD. AGREED VIEW 20, WHICH GIVES US FORCES VIRTUALLY UNRESTRICTED RIGHT TO "ENTER PUBLIC OR PRIVATE PROPERTY WITHOUT PRIOR AUTHORITY TO PERFORM NECESSARY RESCUE SERVICES AND/OR SECURE UNITED STATES PROPERTY....," IS PARTICULAR CASE IN POINT. HAVING QUERIED JAPANESE EMBASSIES IN OTHER NATIONS WITH ASSIGNED US FORCES, MFA HAS DETERMINED THAT OTHER HOST NATIONS HAVE SUBSTANTIALLY MORE CONTROL OVER CRASH INVESTIGATIONS THAN GOJ POSSESSES. INFORMAL APPROACHES TO BOTH EMBASSY AND US FORCES JAPAN BY MFA HAVE SUGGESTED "MODERNIZING" PROCEDURAL FRAMEWORK IN WHICH WE CONDUCT OUR BUSINESS AND NEGOTIATIONS TO THIS END MAY BE REQUESTED.

MANSFIELD

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Message Attributes

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Current Classification: UNCLASSIFIED
Concepts: FIGHTER AIRCRAFT, AIRCRAFT ACCIDENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
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Handling Restrictions: n/a
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Legacy Key: link1978/newtext/t19780122/aaaaasju.tel
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Message ID: 0c4e09e0-c288-dd11-92da-001cc4696bcc
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Review Content Flags:
Review Date: 10 may 2005
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Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3713728
Secure: OPEN
Status: NATIVE
Subject: F-4 CRASH REPORT COMPLETED
TAGS: MARR, JA, US
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/0c4e09e0-c288-dd11-92da-001cc4696bcc
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